IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13515 of 2004

Between:

Jatavath Shravan Kumar, S/o Balya,
Jalthanda, H/o Nellikal (Village), Peddavoora mandal, Nalgonda District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Miryalaguda, Nalgonda District
2 The Mandal Revenue Officer, Pedavoora Mandal, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably writ of mandamus declaring the notification No.E2/1683/2004 dated 12-7-2004 issued by 1st respondent in so far as the petitioner's Fair Price Shop is concerned i.e.Jalthanda H/o Nellikal village, Pedavoora mandal of Nalgonda District as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as F.P.Shop Dealer as usual since he is having valid and subsisting authorization and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner seeks a Writ of *Mandamus* declaring the notification dated 12-07-2004 issued by the first respondent-Revenue Divisional Officer, Miryalaguda, Nalgonda District for appointment of the dealer in respect of the Fair Price Shop of Jalthanda, Hamlet of Nellikal Village, Pedavoora Mandal, Nalgonda District, as arbitrary and illegal.

The fact that the petitioner was appointed as the dealer of the said Fair Price Shop on temporary basis is not in dispute. However, the petitioner states that in pursuance of the said appointment, an authorisation was issued in favour of the petitioner on 14-07-2004, which is valid up to 31-03-2006 and therefore the respondents are not entitled to make any appointment on permanent basis as long as the authorisation of the petitioner is subsisting.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The law is well settled that the temporary dealer does not acquire any right for appointment on permanent basis. The appointment being purely on temporary basis, it ceases to be valid automatically when once the vacancy is notified and permanent appointment is made following due process of law. The authorisation issued to the dealer is only for the purpose of obtaining and supplying the scheduled commodities in accordance with the provisions of the Control Orders and it does not confer any right to continue as dealer when the appointment itself ceases to be valid.

In the circumstances, I do not find any merit in the writ petition.

The writ petition is accordingly dismissed. No costs.

_____ 25-10-2004

kdl

To

1 The Revenue Divisional Officer, Miryalaguda, Nalgonda District
2 The Mandal Revenue Officer, Pedavoora Mandal, Nalgonda District

3 Two C.Cs to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.